

NATURAL RESOURCES BOARD

MINUTES

The regular meeting of the Natural Resources Board was held on Tuesday and Wednesday, January 22-23, 2002, in Room 027 of the State Natural Resources Building (GEF 2), Madison, Wisconsin. The meeting was called to order at 1:05 p.m. January 22, 2002 for action on Items 1, 2, and 3.A. The meeting was recessed at 5:30 p.m. and reconvened at 8:37 a.m. on Wednesday, January 23, 2002.

PRESENT: Trygve A. Solberg, Chair
James E. Tiefenthaler, Vice Chair (arrived at 1:55 p.m.)
Gerald W. O'Brien, Secretary
Herbert F. Behnke
Howard D. Poulson
Catherine Stepp

ABSENT: Stephen D. Willett

ORDER OF BUSINESS

1. Minutes to be approved.

1.A. Full Board Minutes of December 5, 2001.

Mr. Poulson MOVED, seconded by Ms. Stepp, approval of the Full Board Minutes of December 5, 2001, as presented. The motion was carried unanimously by those members present. (Mr. Willett was absent)

1.B. Agenda for January 22-23, 2002.

Secretary Darrell Bazzell stated there would be no Executive Session held during lunch, January 23, 2002. With that change, Mr. O'Brien MOVED, seconded by Ms. Stepp, approval of the agenda for January 22-23, 2002. The motion was carried unanimously by those members present. (Mr. Willett was absent).

2. Ratification of acts of the Department Secretary.

A. Real estate transactions.

Mr. O'Brien MOVED, seconded by Mr. Poulson, approval of the real estate transactions, as printed. The motion was carried unanimously by those members present. (Mr. Willett was absent).

3. Committee of the Whole.

3.A. Adoption of Order WT-7-00, WT-13-00, W-12-00 – revision of Chapters NR 120, NR 243, NR 216 and Adoption of Order WT-8-00, WT-9-00, WT-10-00, WT-11-00 - creation of Chapters NR 151, NR 152, NR 153, NR 155, NR 154, Wis. Adm. Code, pertaining to the redesign of the nonpoint source water pollution abatement program

Secretary Bazzell stated this is an historic action the Natural Resources Board will partake in as relates to nonpoint performance standards. He further stated there was tremendous progress over the last 20 plus years and this is a great accomplishment. What the Board has before them today puts Wisconsin back in the forefront in addressing this most important water quality problem that affects all service waters around the State of Wisconsin. This effort has been a long time in the making, with staff that have worked specifically on this rule package for almost five years. He further stated that you don't get this far without a lot of talented, dedicated staff willing to work with a broad array of constituents. To get to this point in time where there is a very strong package, one that is acceptable to those who are impacted, and who are going to implement these practices. He stated that he felt this is, in general, very acceptable to the citizens across the State of Wisconsin. He further stated that he is very pleased to have this package in front of the Natural Resources Board. Secretary Bazzell commended Robyn Neffler, Dan Graff, Chuck Hammer, Roger Bannerman, Tim Parsons, and Al Shea. And, Russ Rasmussen, who did a great deal of negotiations and a great deal of work on behalf of Secretary Bazzell and the Natural Resources Board with a large number of interest groups to get to the point to share this with the Board.

Al Shea, Director of Bureau of Watershed Management, stated this was the endpoint of over four years of effort and a significant moment in the history of water pollution control in the State of Wisconsin. He further stated that he is personally extremely proud to be a part of it. The folks that Secretary Bazzell mentioned and in particular Russ Rasmussen deserve all the credit to getting this rule before the Board. He stated that it is a momentous day for the State of Wisconsin. Mr. Shea recognized and thanked the staff who were instrumental in developing the rules: Tom Bauman, Terry Donovan, Carol Holden, Kevin Kirsch, Mary Anne Lowndes, Virginia Mayo-Black, John Pfender, Eric Rortvedt, Gordon Stevenson, and Mary Wagner. Mr. Shea also thanked the citizens and partners in conservation that were involved in the process. He recognized Dave Jelinski and Jim Matson from the Department of Agriculture, Carol Cutshall and Dan Scudder, Department of Transportation, Don Baloun from the Natural Resource Conservation Service with the Federal Government, and Rebecca Baumann and Troy Kuphal, from the Counties Association. All these folks were instrumental in helping put this rule package together.

Mr. Shea reviewed the history of the Nonpoint Performance Standard Rules. He stated the goals of this presentation were to highlight major provisions of the rule, major changes made to the last hearing draft as a result of public comments, staff recommendation changes to the green sheet package, costs, and revenue for implementation of the rules. Mr. Shea introduced Mr. Rasmussen.

Russ Rasmussen, Runoff Management Section Chief, also thanked all the staff and folks for their help with this rule package. Mr. Rasmussen presented the Board with a handout which included Resolutions to Consider for Rule Order WT-8-00 and changes. With a powerpoint presentation, he reviewed the rule history and the rules involved, NR 151 Performance Standards, NR 152 Model Ordinances, NR 153 TRM Grants, NR 154 BMP's and Cost Share Conditions, NR 155 Urban Grants, NR 120 Priority Watersheds, NR 216 Storm Water Permits, and NR 243 Animal Feeding Operations. He reflected on the public hearings, comments, and stated the rule package before the Board is the result of the public hearings. He reviewed transportation construction site erosion control, post construction controls, and transportation revisions. He further presented non-agriculture construction site erosion control, post construction controls, existing urban standards, population density analysis, infiltration, and protective areas (buffers). Mr. Rasmussen presented the Board with five resolutions and changes for their consideration for Rule Order WT-8-00 (a copy is incorporated in the official Board minutes.) He further presented information regarding agricultural performance standards, agricultural revisions, effectiveness analysis, agricultural revisions, nutrient management revision, and a fiscal summary. Mr. Rasmussen described the Conservation Reserve Enhancement Program to the Board. Mr. Shea added they have the greatest conservation funding package on the doorsteps of the State of Wisconsin that they would ever see. It is \$240,000,000 for the Conservation Reserve Enhancement Program (CREP), \$200,000 of which is federal, \$40,000,000 of bonding which was included in the last biennial budget. He stated they would not see a package like this for conservation again in their lifetime. Mr. Rasmussen reviewed buffers and incentives for buffers.

Discussion pursued regarding exemptions, the 2002 Federal Farm Bill, buffers, the resolutions, minor changes presented, the Clean Water Act, shared revenue, revenue sources, and FTE's,

Mr. Rasmussen urged the Board to adopt the rules package with the Resolutions and changes presented.

Chairman Solberg called on Secretary Harsdorf, Department of Agriculture, Trade, and Consumer Protection.

Secretary Harsdorf commended Secretary Bazzell and the Department of Natural Resources staff for the hard work and development of these rules. Secretary Harsdorf commented on: 1) Fairness Issue - the need to recognize there should be a balance between the public's desire for improvements in water quality and at the same time treating land owners and farmers very fairly in order to achieve that goal. 2) Funding - must be available as required by law to acquire the installation or use of these conservation practices. 3) Effectiveness - the success of any rules passed will ultimately be met with positive changes in Wisconsin's water quality. He stated that the Department of Agriculture, Trade, and Consumer Protection rules will be coming before their Board on February 12, 2002 and he personally invited Secretary Bazzell and Chairman Solberg to their meeting. Secretary Harsdorf again thanked the Board, staff, and Secretary Bazzell.

Chairman Solberg asked Secretary Harsdorf what he knew about the 2002 Farm Bill and if it would be wise for the DNR Board and DATCP Board to pass a Resolution to present to the Congressional Delegation. Secretary Harsdorf responded that he thought it appropriate to have a mutual interest in the 2002 Farm Bill particularly in the area of CREP. He stated he thought the extension of CREP is extremely important and while it has been a part of every proposal all of us have viewed in Washington, that emphasis is extremely important. He further stated that if you look at implementing these rules \$240,000,000 targeted at the most sensitive waters of the state go a long way. He also encouraged the Board, as he has done as Secretary in the past week, to send an encouraging letter to those particular counties that have either not signed up for CREP or have made a decision not to sign up for CREP. For them, the end of February by USDA's action, they may be taken off that list in terms of qualifying for those dollars. Any encouragement

from either Secretary Bazzell or from the DNR Board to make sure we are utilizing all of the financial resources available, would be helpful. There is unquestionably the greatest access of revenue that is going to be available directly to producers to implement these rules. For us to loose that would be a great loss to the producers for the water quality efforts of these rules. Chairman Solberg asked how many counties in the southern part of the state were not signed up. Secretary Harsdorf responded that of the 51 counties that are possible to sign up so far there are 31 signed up with several others still considering.

Citizen Participation on this issue included:

- 3.A.1. Richard Gorder, Mineral Point, representing himself, spoke in support of the redesign of the nonpoint source water pollution abatement program. He stated that he is also a member of the Wisconsin Farm Bureau Federation, on the Board of Directors, a member of the NRCS Technical Advisory Committee, and a County Supervisor. He also served on the Department of Natural Resources work group that reviewed the agricultural performance standards after the spring hearings of 2000. He thanked the staff for the language of the rules on variances because every farm situation cannot be described. He stated that he did not agree with the local control area in the rule as written because it grandfathers in all local ordinances in place before the adoption of this rule. Mr. Gorder stated that funding is another concern he has. He concluded that while the rules are not perfect he did not believe that more time or debate would result in a better product.
- 3.A.2. Nancy Karlen, Monticello, representing herself, spoke in support of the redesign of the nonpoint source water pollution abatement program. Ms. Karlen stated she worked as a soil conservationist student trainee, for a local farm cooperative and part of that responsibility with that cooperative was working with farmers regarding their cropping needs. She stated that she also worked with alfalfa research and has been a part of a family dairy farm. She served on a Farm Bureau advisory committee looking at the proposed rules and regulations. She stated that the rules present a workable science based document. She felt that overall this is a good rule package but her concern is in the area of costs. Ms. Karlen stated that she hoped these rules will allow for ongoing quality preservation while still preserving agricultural businesses.
- 3.A.3. Doug Cieslak, Alma, representing Buffalo County Land Conservation Committee, was scheduled to speak but did not appear.
- 3.A.4. Patrick Stevens, Madison, representing Wisconsin Transportation Builders Association spoke regarding concerns the association has to portions of the adoption. Mr. Stevens presented the Board with a copy of his presentation. He stated the first concern of the association was the question of what practices would be required by the performance standard specified in the rule. The second concern being related to the regulation of transportation construction projects by multiple, overlapping rules. He stated the members of his association were committed to working to control nonpoint pollution and they would like to partner with the Department of Natural Resources and the Department of Transportation. Mr. Stevens stated their association's interests have largely been addressed and they no longer are in opposition to the rule package.
- 3.A.5. Kerry Schumann, Madison, representing Wisconsin Public Interest Research Group, spoke expressing her opinion of the adoption. Ms. Schumann presented the Board with a copy of her presentation along with 250 letters from citizens asking the Board to include mandatory buffers in the rules. She further supplied a proposal and language for phasing in the riparian buffer standard. She requested the Board make these recommended changes to the rules in order to ensure that the instructions put forth by the state legislature to control polluted runoff are met.
- 3.A.6. Paul Kent, Madison, representing Municipal Environmental Group (EMG), spoke generally supporting the adoption of the nonpoint rule, but expressed concerns. Mr. Kent stated that EMG is comprised of 80 municipalities statewide that own and operate municipal wastewater treatment facilities and were a member of the nonpoint outreach advisory committee, subsequent DNR work groups, and have submitted comments throughout the public hearing process. Mr. Kent stated that it is not cost effective or fair to expect point sources to continually upgrade their facilities when nonpoint sources go unaddressed. He stated that it is for this reason that they are very encouraged and support the many aspects of this rule that impose controls on nonpoint. He further stated their group views this as a major positive step forward. He further stated that one major deficiency in the rule that being the elimination of the requirements for riparian buffers and grass waterways. Mr. Kent urged the Board to adopt a strong nonpoint program and reinstated the mandatory riparian buffer and grass waterway provisions in these rules. He further stated they would be supportive of the proposal that was made by the Great Water Coalition.
- 3.A.7. Carol Cutshall, Madison, representing the State of Wisconsin Department of Transportation (DOT), was scheduled to speak, however, Mr. Dan Scudder, Environmental Services Chief in the Bureau of Environment with the Department of Transportation, spoke in her absence. Mr. Scudder spoke in support of the nonpoint source water pollution abatement program. He stated they believe it can provide effective regulation for local and non DOT projects. He further stated that DOT appreciates the Department of Natural Resources extensive and contributions to DOT's own ongoing efforts to revise Trans 401, which has been in effect since 1994 regulating erosion control for DOT administered highway and bridge

construction projects. DOT has been revising Trans 401 for over a year in an effort to harmonize it with other state regulations, including the proposed NR 151. For the record, Mr. Scudder stated that the Wisconsin Department of Transportation continues to assert that state law specifies that DOT is the agency to regulate erosion control for DOT administered projects. He stated that by jointly and intensely working on both sets of rules (both NR 151 and Trans 401) DOT, DNR, and others who were involved have developed compatible and consistent rule packages for the entire transportation sector. He further stated that when Trans 401 is finalized, DNR is committed to recognizing equivalent sections of Trans 401 as meeting the requirements of NR 151. Given the coordination and cooperation between DNR and DOT, which has occurred during the last three years on these rules and the understandings they have regarding the implementation of the run off management rules; Mr. Scudder stated that the Wisconsin Department of Transportation believes that the rule package is ready to move forward.

- 3.A.8. Ron Kuehn, Madison, representing Wisconsin State Cranberry Growers Association, Wisconsin Pork Producers Association, and Wisconsin Potato and Vegetable Growers Association, spoke in support of the nonpoint adoption and opposed some areas. Mr. Kuehn stated there is a funding component that exists on an issue of whether a farm is an existing farm or a new farm and is not eligible for cost sharing. He stated this will be a temptation over time to reinterpret the rule to bend in a way that would cause many farm operations to be treated as new farm operations. He stated that he feels there is some frustration both in the environmental community and the farm community over the lack of funding. He further stated that we have the rule but without the funding or money we aren't going to produce the results intended by all who are involved. Mr. Kuehn suggested that, with the pressure that can occur in communities, there are potentials for ordinances to go beyond this rule, which will place pressure on the Department of Natural Resources and the Department of Agriculture to bless or not bless those very difficult new ordinances.
- 3.A.9. Bill Pielsticker, Lodi, representing Trout Unlimited, spoke in support of the nonpoint adoption with one change. Mr. Pielsticker stated that he represented nearly 4000 members of Wisconsin Trout Unlimited. He stated that Trout Unlimited has been involved in the development and revision of this rule package. They generally are please with the final package. He further stated there is a dispute over the issue of mandatory buffer strips. He stated that vegetated buffer strips are an important part of the land management system needed to protect the state's surface waters from ongoing pollution and degradation. Mr. Pielsticker stated that Trout Unlimited supports the inclusion of language in the proposed rule that would phase in a buffer strip requirement. He urged the Board to adopt the alternative language offered by the Clean Water Coalition setting forth a phased in approach to mandatory buffer strips, then to approve the rule package as amended.
- 3.A.10. Rebecca Baumann, Madison, representing Wisconsin Land and Water Conservation Association, spoke on the nonpoint issue. Ms. Baumann stated that the Association basically supports the rule package with a few changes. She stated that the Wisconsin Land and Water Conservation Association represents the County Land Conservation and Departments of all counties in the state. She further stated that a recent decision was made to remove riparian buffers and grassed waterways from the rules. She stated they would request that either the DNR address the need for mandatory riparian and gully protection prior to forwarding the rules to the legislators, or if the package is submitted as written, they would work with the legislators requesting that these two important components be included. She stated their association recommends maintaining a gully erosion performance standard below the one ton/100 lineal feet year soil loss. Another concern her association has is the definition of new operation. She stated that except for family transactions, a change in ownership should be the basis for determining new or existing, not the land use or structure. Ms. Baumann stated that with the exception of the riparian and gully protection being a voluntary component rather than mandated, they would endorse and support the DNR nonpoint rule package.
- 3.A.11. Attorney David Crass, Madison, spoke on the nonpoint issue representing Jennie-O Turkey Store, Incorporated and The Dairy Business Association of Wisconsin. Attorney Crass stated that on behalf of both of these organizations, they register in support of these proposed rules. However, he urged the Board to correct three items: 1) proposed Chapter NR 151.096 dealing with the local regulation of livestock operations. 2) The rules' prohibition of cost-sharing for WPDES permitted operations. 3) Proposed Chapter NR 243's definition of the term pasture. He further stated they request the definition of pasture in the proposed rules be revised to be consistent with the federal regulation addressing the same topic.
- 3.A.12. Attorney Andy Hanson, Madison, representing Clean Water Coalition. Attorney Hanson stated that Midwest Environmental Advocates is a legal and technical resource center for community groups that are working for environmental justice in the Western Great Lakes region. He stated that overall, the Clean Water Coalition strongly supports the DNR revisions to its regulations on feeding operations and commend the DNR and its staff for its hard work. He further stated these revisions are much needed and coupled with better enforcement and more state funding they will greatly reduce the risk of water pollution from factory farms in Wisconsin. He stated that the requirements still are weaker than those required by federal law. Attorney Hanson went on to list those weaker as: 1) NR 243.03(2) Animal Feeding Operation; 2) NR 243.03(5) Chronic Rainfall Event; 3) NR 243.03(10) Contaminated Runoff; 4) NR 243.03(26) Permanent runoff control systems; 5) NR

243.03(33) Unacceptable practice. He further stated that other animal feeding operations that need attention are: 1) Proposed NR 243.24(1)(a)2, Designation as a CAFO; 2) Proposed NR 243.24(3)(b), Issuance of notice of discharge for point sources discharges. In conclusion, Attorney Hanson urged the Board to adopt these regulations with the detailed revisions he suggested. He further stated that he agrees with the proposed language that the Clean Water Coalition put before the Board on CREP funding and buffers.

- 3.A.13. Jerry Deschane, Madison, representing Wisconsin Builders Association, spoke in support of the adoption but opposed some areas. Mr. Deschane stated that the Wisconsin Builders Association is made up of 6,500 companies involved in the construction and development of homes, apartments, and businesses. Their members being impacted by this rule primarily through the construction and post-construction standards of Subchapter III or NR 151. He stated this rule is a very solid compromise. He further stated there are still areas about which they have concerns and urged the Board to adopt the technical changes that are being recommended by staff to address many of those concerns. He further called upon the Board to closely monitor the implementation of this rule in critical areas. Those areas being infiltration, uniformity, consistency of application, and local ordinance adoption.
- 3.A.14. Paul Zimmerman, Prairie du Sac, representing Wisconsin Farm Bureau, supporting the adoption but opposed some areas. Mr. Zimmerman stated that he was the lead staff person from the Bureau to look at the rule package. He stated they are not completely happy with the way the rule package is, however, he felt these problems could be worked out. He further stated the concept of buffers have the appropriate time and place to be installed. Mr. Zimmerman stated that one of the ways to meet soil erosion loss rate is to put in buffers. He further went on to explain why. He stated that another area that should be reviewed is nutrient management. He further stated that the Board has the authority, outlined in this rule package, to require buffers at the right place at the right time. Mr. Zimmerman stated that one thing he wanted to counter was that even if the buffer language was contained here today, everyone knew that buffers would not be everywhere, and they need to be cost-shared.
- 3.A.15. John Peck, Madison, representing Family Farm Defenders, spoke to share his comments on the nonpoint issue. Mr. Peck stated that Family Farm Defenders is a nationwide group with over half its members based in Wisconsin, about half the memberships representing small family farmers. He stated that many farmers in their group are already enrolled in CREP programs, already have good management practices, already have buffers, and already do low input intense rotational grassing. He further stated that family farmers are extremely concerned about water quality. He agreed with previous speakers that buffers should not be voluntary, stating they can be mandated with language without jeopardizing federal money. Mr. Peck stated that it is important that local authorities should not be punished for having tougher standards than what the state would set for water quality or any other environmental quality rules. He further stated they think farmers should be able to have control of their operations with community responsibility as well.
- 3.A.16. Keith Reopelle, Madison, representing Wisconsin Environmental Decade, spoke generally supporting the redesign of the nonpoint source water pollution abatement program. Mr. Reopelle stated that the Wisconsin Environmental Decade look at these rules in a long term concept. He reviewed the history of the rule and the Decade. He further stated these rules need to be as strong as possible and urged the Board to resist any weakening and would like to see a change on the buffer strips bringing it to a mandatory buffer strip again. Mr. Reopelle spoke of the difference between a voluntary buffer program and a mandatory buffer program. He reviewed some of the concerns that he had with the resolutions presented to the Board.
- 3.A.17. Ricardo Jomarron, Madison, representing Habitat Education Center. Mr. Jomarron presented the Board with 244 handwritten letters and comments from Wisconsin citizens. He spoke in support of the rule, however, requested that the Board bring the rules back to how they were when they were originally and democratically created. He stated the right thing to do is phase in mandatory buffers of 35 feet or greater when CREP funds run out.

Discussion pursued regarding buffers, cost-sharing, standards, family operations, federal programs, Clean Water Act, and trade offs.

Chairman Solberg - As large as this rule is, I can see that some of it will come back to us for revisions.

Secretary Bazzell - I commend Mr. Shea for doing such a wonderful job in framing the issue providing rule of clarity in terms of what the gap is. I think the perception was larger than the actual gap. I feel it was clarified that if the Board does move in this direction, I am not sure what the Board may or may not propose here today, Mr. Shea is correct, there are going to be some trade offs in terms of where limited state dollars would be. The Board needs to decide if now is the time to weigh in or if it is not the right time or not. I think there is a gap. I think Mr. Shea did a good job of clarifying what the additional water quality benefits might in fact be. Certainly we recognize the additional benefits and support that. I think if the Board does want to move forward and do something with the mandatory nature, again we see some benefits, clearly there is going

to be a reaction to the agriculture community that you need to be aware of. There is a reason that we are going down to the 10-foot, to respond to some concerns there. If the Board does decide to do something mandatory I would urge that we go back to the earlier standard. I think that we all agree that the 10-foot doesn't make a lot of sense, doesn't give the kinds of benefits that we are after. I think, at this time, we need to figure out where the Board wants to go on this issue. Do you want us to consider or craft some ideas at this time or at some future point that you would like us to consider this. I think you can decide to do something now, you can come back again at some future point to address the issue, but my sense is if you don't address the issue today it is probably going to get addressed in some form or fashion in the legislative process and will probably come back to the Board before it gets enacted.

Mr. Shea further reviewed the rule package to the Board. He pointed out the differences of what he presented today and what they went to the public hearing with. What they went out to public hearing with had four options, not two. The two missing are the 10-foot option and that was a 10-foot option with a 50 percent residue for the next 90 feet, to try and minimize the impact that they would have on CREP. They substituted the delayed implementation date for that. The second option that is missing was the option of a 20-foot buffer with no additional residue requirement if the sloop was less than two percent.

Mr. O'Brien - I ask that the Secretary annually or periodically remind the Board of how many are signing up for the voluntary CREP program and what the status is on this buffer issue. If you could also put this on a timetable.

Secretary Bazzell - Yes, I think that we also have an obligation as we get clarity in terms of how they are going to apply, there are requirements in light of our rule package, that we need to also share this information with the Board.

Ms. Stepp - I would ask the Department to work diligently on these case studies in real work applications in terms of infiltration because that is still one of the biggest unknowns, especially in the heavy clay soil areas in the winter. That we can be updated on how some of those projects are going. A really outstanding job by the Department, that is all I have been hearing today and from phone calls and letters that I have received how wonderful Mr. Shea and Mr. Rasmussen have been.

Mr. Shea - I would anticipate in late spring or summer of 2002 and let the Board know where things stand and how we are doing. Including things like co-funding some pilot programs, working with Transportation on cross agency training sessions.

Discussion pursued regarding technical issues, cost, ordinances, voluntary buffers, CREP, future strengthening of the nonpoint rules, trade offs, reconstruction of the rule language, and non-CREP counties.

Mr. Behnke MOVED, seconded by Mr. Poulson, adoption Order of Order WT-7-00, WT-13-00, W-12-00 - revision of Chapters NR120, NR 243, NR 216 and Adoption of Order WT-8-00, WT-9-00, WT-10-00, WT-11-00 - creation of Chapters NR 151, NR 152, NR 153, NR 155, NR 154, Wis. Adm. Code, pertaining to the redesign of the nonpoint source water pollution abatement program. with the five Resolutions and recommended changes to the proposed rules, as presented. The order was carried unanimously by those members present. (Mr. Willett was absent).

3.B. Retirement Resolutions:

- 3.B.1. Daniel Farrar.
- 3.B.2. Michael Giles
- 3.B.3. John Hillery.
- 3.B.4. John Pohlman.
- 3.B.5. Theodore Smith.
- 3.B.6. Janet Stoikes.
- 3.B.7. William Tans.

Secretary Darrell Bazzell, reviewed the careers of each retiree and commended them for their excellent years of service to the Department and to the State of Wisconsin.

Mr. Behnke MOVED, seconded by Mr. Tiefenthaler, approval of the retirement resolutions, as presented. The motion was carried unanimously by those members present. (Mr. Willett was absent).

4. Board Members' Matters.

- 4.A. Election of Officers was taken up at the end of the Board Meeting.

- 4.B. **Herbert Behnke** - Regarding the restructuring of the organization of the DNR reorganization that started back in 1995 and is now being reworked. I have had a review with Secretary Bazzell and Chairman Solberg and I believe that we are headed in the right direction on the reorganization. While this is not really a Board policy matter that the Board needs to vote on, I do believe that the Board should be fully informed. Prior to implementation I would ask that at the February meeting this would be brought back as an agenda item.

Secretary Bazzell - Yes, I appreciate feedback from the Board. We take the Board's involvement very seriously to make these important choices on behalf of the Department. It is our intention to make some high level decisions in consultation with the management team. I feel next month would be an appropriate time to report on the organizational changes and there may be some system changes that are currently being contemplated. I certainly would appreciate the Board's input throughout this process.

- 4.C. **Catherine Stepp** - I would like an update as to what happened at the Racine County Public Works Committee Meeting on January 17, 2002. Was there any action taken?

Steve Miller - I don't believe there was. I will check and get back to you.

- 4.D. **Gerald O'Brien** - I have nothing.

- 4.E. **Stephen Willett** - Absent.

- 4.F. **Howard Poulson** - I have a question relative to people who catch minnows for bait. How do we control that? If they can catch them at night or can't catch them at night.

Tim Andryk - Right now it is unregulated, harvesting of minnows from the wild. We have a proposal that is on the spring hearing questionnaire to require permits and recording to get a handle on what is being taken from the wild and you will hear more about that during discussion on the spring questionnaire item.

- 4.G. **James Tiefenthaler** - I would like to know the Department's current policy on mute swans. I haven't heard where we were going with this and we have been receiving a huge amount of press on this issue.

Secretary Bazzell - We will be coming before the Board with a proposal in terms of how we manage mute swan. We should be ready for the February or March meeting.

- 4.H. **Chairman Solberg** - Regarding the Wolf Advisory Committee, the wolves are getting contentious and I am hearing a great deal about this. There is one gentleman that would like to be on this committee and I would like to suggest his name. He is Don Engel, a former state trooper. I think there is a lot of frustration by citizens and, as you know, a lot of these wolves start killing pets and cattle and then they move to the other side of the state. Once wolves learn how to kill, they are good at it. The second item that I have are concerns about the Manitowish Chain. I would like to know why the sturgeon have not produced for years because they can't get up to the spawning grounds. I don't know if this should be taken care of and I would like an answer as to why that happens.

Secretary Bazzell - We will need to take a look at that and get back to you with some information.

5. **Special Committees' Reports.**
There were no Special Committees' Reports this month.

6. **Operating Committees.**

- 6.A. **Air, Waste and Water/Enforcement Committee.**

- 6.A.1. **Minutes of December 5, 2001.**

There were no committee minutes for December 2001 since all agenda items were taken up during the Full Board Meeting.

6.A.2. Authorization for hearing on revision of Chapter NR 811, Wis. Adm. Code, pertaining to review and approval of an aquifer storage recovery system operated by a municipal water utility.

Jill Jonas, Director of Drinking Water and Groundwater, stated this authorization would allow the DNR to approve construction and operation of aquifer storage and recovery systems. This is a technique that municipalities would be allowed to use to temporarily inject and store drinking water underground, then recover it back into their drinking water systems and distribute to their citizens. Typically, once it is recovered it takes very little treatment to allow it back into the system. This is considered a cost effective method, by some municipalities, to manage seasonal and temporary demands they have, typically during the summer peak demands. It also allows them not to have additional construction of things such as water towers, reservoirs for that peak demand time.

Mr. Behnke MOVED, seconded by Mr. Poulson authorization for hearing on revision of Chapter NR 811, Wis. Adm. Code, pertaining to review and approval of an aquifer storage recovery system operated by a municipal water utility. The motion was carried unanimously by those members. (Mr. Willett was absent).

6.A.3. Adoption of Order DG-22-01 - revision of Chapter NR 600 and creating of Chapter NR 815, Wis. Adm. Code, pertaining to underground injection wells.

Jill Jonas, Director of Drinking Water and Groundwater, presented the adoption of Order DG-22-01 revision of Chapter NR 600 and Creating of Chapter NR 815 pertaining to underground injection wells. Ms. Jonas presented the history of the underground injection wells program. The federal regulations promulgated under Part C of the Safe Drinking Water Act of 1974 require that an Underground Injection Control program be developed in each state. The purpose of an underground injection control program is to protect underground sources of drinking water from contamination that may result from the use of injection wells. A state may establish its own program, however, any state-managed program must be administered in a manner that is at least as stringent as the federal requirements of an underground injection control program. The United States Environmental Protection Agency is required to directly implement a program in any state that chooses not to develop its own comparable program. The proposed revisions to Chapter NR 600 allow the Department to approve the re-injection of hazardous wastes at clean-up sites and are comparable to what is currently allowed by federal law.

Citizen Participation on this issue included:

Caryl Terrell, Madison, representing John Muir Chapter of the Sierra Club, spoke with concerns to the adoption. Ms. Terrell presented the Board with a copy of her presentation and a news article entitled, "Black Bear Roars" by Tom Daykin of the Journal Sentinel. She stated that it was outrageous that the City of Oak Creek is proposing to sell municipal water as bottled water at the same time that the city is pressuring the Department of Natural Resources to authorize a change in drinking water regulations with unknown and potentially damaging impacts on groundwater. Ms. Terrell stated she didn't think the Department should be passive in this review and should be more aggressive in protecting groundwater. She further stated they do not oppose adoption of the rule, the reason for her presentation was to make sure they all recognize that every time these regulations are changed, especially in areas where there are unknown consequences, the Department needs to be on guard to make sure the precious groundwater resources are protected.

Mr. O'Brien MOVED, seconded by Mr. Tiefenthaler, adoption Order DG-22-01- revision of Chapter NR 600 and creating of Chapter NR 815, Wis. Adm. Code, pertaining to underground injection wells. The order was carried unanimously by those members present. (Mr. Willett was absent).

6.A.4. Authorization for hearing on revision of Chapter NR 484 and creating of Chapter NR 437, Wis. Adm. Code, pertaining to establishing and operating a voluntary emission reduction registry.

Jay Hochmuth, Administrator of Air and Waste Division, presented the authorization for hearing on revision of Chapter NR 484 and creating of Chapter NR 437 pertaining to establishing and operating a voluntary emission reduction registry. Mr. Hochmuth stated this authorization is a follow-up to the interest among emitters of pollutants who develop a way of documenting the reductions they are achieving through voluntary efforts. In the future if limitations are developed at the national level which require reductions in these kinds of pollutants (greenhouse gases, nitrogen oxides, sulfur dioxide, volatile organic compounds, carbon monoxide, mercury, lead, and fine particulate matter) on a state by state basis, Wisconsin would be assured of getting appropriate and due credit for these reductions before the national initiatives took affect. There would need to be provisions in the national rules as well to recognize that. Several other states are proceeding in various ways to accomplish the same objective of documenting voluntary reductions. He stated that putting this package together and codifying it would allow an orderly and uniform process in taking credit for reductions that occur before the facilities are actually required to.

Mr. Behnke MOVED, seconded by Ms. Stepp authorization for hearing on revision of Chapter NR 484 and creating of Chapter NR 437, Wis. Adm. Code, pertaining to establish and operate a voluntary emission reduction registry . The motion was carried unanimously by those members. (Mr. Willett was absent).

6.A.5. Authorization for hearing on revision of Chapter NR 106, NR 211, and NR 219, Wis. Adm. Code, pertaining to strategy for regulating mercury in wastewater discharges.

Tom Mugan, Wastewater Engineer, presented the authorization for hearing on revision of Chapter NR 106, NR 211, and NR 219, pertaining to strategy for regulating mercury in wastewater discharges. Mr. Mugan reviewed the history of the rule package. The rule package provides a new regulatory mechanism for controlling mercury pollution from wastewater discharges. The mechanism both accounts for the uniqueness of mercury as a pollutant and conforms with federal clean water regulations. The new mechanism is needed to replace a less formal wastewater mercury strategy that has guided the Department's handling of permit requirements for mercury since 1996. The proposed rules allow a phased approach, progressing from data collection, through pollution prevention planning and implementation and then, in some cases, variances. Mr. Mugan requested the Board to approve authorization for this hearing.

Mr. Poulson MOVED, seconded by Mr. Tiefenthaler authorization for hearing on revision of Chapters NR 106, NR 211, and NR 219, Wis. Adm. Code, pertaining to strategy for regulating mercury in wastewater discharges. The motion was carried unanimously by those members. (Mr. Willett was absent).

6.B. Land, Management Recreation and Fisheries/Wildlife Committee.

6.B.1. Minutes of December 5, 2001.

There were no committee minutes for December 2001 since all agenda items were taken up during the Full Board Meeting.

6.B.2. Approval to place fisheries regulation changes on the 2002 spring hearing questionnaire.

Steve Hewett, Chief of Fisheries Policy and Operations Section, presented the approval to place fisheries regulation changes on the 2002 spring hearing questionnaire. Mr. Hewett presented an overhead presentation to the Board. He stated there are nine statewide questions, 16 local questions, and 10 advisory questions. Mr. Hewett reviewed all questions in the green sheet packet with the Board urging them to approve the 2002 spring hearing questionnaire.

Discussion pursued regarding experiment and research on Esconoba Lake; meeting with Boulder Junction Town Chair, Vilas County Board Supervisor, local bait shop owners and a member of the Boulder Guides Association; other lakes available for fishing to the locals; why we are asking the Conservation Congress if they favor DNR's regulation of erosion control structures; and simplifying the questions for the spring hearings.

Steve Oestreicher, stated that he had a few concerns regarding the fisheries question on page 11 of the green sheet packet. Chairman Oestreicher read question 15 regarding Big Carr Lake to the Board and he stated that he has been fishing there since the late 1960's. He stated there are already big muskie there. This body of water is similar to other lakes in Northern Wisconsin in that 200 acre size that are very well kept secrets. By posting a sign at the landing you are telling people that there are 50" fish here. A big concern of the Congress and of Chairman Oestreicher is this would lead to illegal night time trolling by irresponsible muskie fisherman and irresponsible guides. Chairman Oestreicher read question 17 to the Board involving North Nokomis Lake. He stated there are already big fish there and the Congress sees no need to broadcast this. Chairman Oestricher stated they made some contacts on January 22, 2002 with four different individuals that do fish that lake. One returned a call that also was concerned about this and asked that Chairman Oestreicher pass this concern on to the Board. His concern was that North Nokomis Lake use to be clean water but the water clarity is declining there with certain areas are being choked with weeds, and that individual feels this is happening because of the increased cranberry operations close by. Chairman Oestreicher asked the Board to look at these two questions and stated these two lakes already have large fish already and can't support more.

Discussion pursued regarding trophy lakes in Wisconsin and the number of lakes that have over 34" fish.

Mr. Behnke MOVED, seconded by Mr. O'Brien approval to place fisheries regulation changes on the 2002 spring hearing questionnaire, with the exception of question 15 and question 17 to be removed The motion was carried unanimously by those members present. (Mr. Willett was absent).

6.B.3. Approval to place wildlife regulation changes on the 2002 spring hearing questionnaire.

Kurt Thiede, Wildlife Regulations, Policy and Outreach Specialist, requested the approval of the Board to place wildlife regulation changes on the 2002 spring hearing questionnaire. He presented two statewide questions, two local regulatory questions, and three advisory questions the Department would be asking on deer, bear, and elk.

Participation on this issue included:

Representative Scott Gunderson, Madison, representing his constituents, spoke in opposition to the 16-day deer season question. Representative Gunderson stated that he was appointed to look at deer and deer management for the State Legislature. Representative Gunderson stated they have started to have committee hearings across the state, one in LaCrosse and one in Rhinelander, with the 16-day season being paramount in those discussions from public members. When they looked at the question he believed that the way that this question is worded will not help in trying to determine if people really indeed want a 16-day season. This question with the late archery part of the question, adding the three days, he felt would kill this question. Then adding the three days on for muzzleloader season. He further stated they knew the snowmobile folks have been very active in the last seven months in the capitol and have helped to now put an end to a December season in Wisconsin as we know it today. Representative Gunderson stated, I am not coming to the Board with a committee recommendation because we are not at that point yet, but we are at a point where these questions are going to be put together and go out to the Conservation Congress hearings in April. What I would ask is that the Board consider some very simply questions for the folks who come to these hearings. Representative Gunderson offered samples of questions for these hearings. He stated, I think we need to get some real answers from the folks. I think we are getting them from the committee right now and there are going to be recommendations forthcoming in the next couple of months. We have an opportunity this year to ask the hunters, ask the sportsmen, and women of the state what they really think about the 16-day season. You know this question was asked previously and failed on a wide margin but times are different now and times have changed. Although the deer 2000 process for the most part was a good one, I think we learned some good things. I have asked the question of Dave Ladd, Chair of the Deer 2000 Process, and others when we have these hearings, that if we were to have the Deer 2000 hearings today, would we get the same answers that we got 18 months ago. The answer from all those people was no. The answers would be different. I think it just shows how important it is when we talk about deer in this state. It is important to a lot of folks and it is important to our economy. I want to make sure that we do the right thing. The charge that the Speaker and Representative Johnsrud have given me, I take very seriously and I hope these simple recommendations that I am asking you the Board to help. Let the people just tell us in simple terms with simple questions they support these concepts. I think the way it is laid out now, this is dead on arrival. I don't think we are getting the true representation of what the folks in this state really think.

Mr. Behnke - Of the public hearings that you are having now, what action do you anticipate taking as a result of what you have learned from these hearings? Representative Gunderson - It is premature to tell exactly what we may or may not do, but my hope is that we will come to some consensus on the committee from these hearings. We plan on having two more hearings, one in the Green Bay area and one in southeast Wisconsin. I think once the hearings are concluded we will have one more hearing in Madison, that will be more of a working hearing to talk about what we heard. Mr. Behnke - Is it the intent that the results of the conclusions receive legislative action? Representative Gunderson - No, I don't want to do that. I feel that we have a mechanism in the state. This is the only state in the union that has a Conservation Congress and I feel very strongly about that process in letting sportsmen and women talk about what they really feel. I don't want the Legislature to have to intervene totally. Does the Legislature have, in the end, oversight? Yes they do. But, what I am hoping is the committee will make recommendations to the Department and hopefully the Department will act. If the Department doesn't act in a way that the Legislature deems is the right way, then the Legislature may enact legislation. But, my hope is that it won't, that the Department will work with us on this issue. Representative Gunderson presented his simple form questions to the Board.

Steve Oestreicher - One thing they have been hearing in regard to the question, the way it is presented right now, is that bow hunters are starting to figure out they would be required to wear blaze orange in certain years for 16 days. If there is anyway at all, however this works out, that anytime the bow hunters are required to wear the blaze orange if this could possibly be an optional requirement. Anything along those lines will certainly help a 16-day season. Other than that, right now the way that the public feels, I would have to say it doesn't matter what type of proposal you come forward with they are all going down.

Mr. Behnke - I have an advisory question to add. It is pursuant to the organization and operation of the Natural Resources Board, which authorizes the Board members to put questions on the questionnaire in the month in which the questionnaire is approved. I am offering another 16-day deer gun season that I would like to go out as an advisory question, all the Board members have a copy of it. I would leave it perhaps to your advice as to whether archery hunters would be required to wear blaze orange during the muzzleloader season. I would not have any objection to adding that. The significance of this

particular 16-day season proposal is that the season would start on November 15 of each year regardless of what day of the week it is and it would end on November 30. And, the October and December T-Zone hunts would not be held but if it were deemed necessary to have hunting in any management unit that would be incorporated into the 16-day framework of November 15 through November 30. If this does not bring the deer population under control in specific units then additional alternatives would be considered and implemented based on approval at that time. Mr. Behnke requested wildlife staff to explain and answer questions. Thomas Hauge, Wildlife Management Director responded to all questions with discussion following.

Discussion pursued regarding public versus private land hunting, blaze orange being a statutory requirement, simplicity of the questions, adding the blaze orange bow hunter question, possibility of adding private/public land hunting advisory question, and the success of Deer 2000.

Mr. Tiefenthaler - If we go to the 16-day season, what is that going to do ecologically to reduce our deer herd? Can a continuous 16-day season solve all our problems? Mr. Mytton, Deer and Bear Ecologist, responded - In wildlife management 16 days are better than nine. He spoke to the issue of day and weekend hunting, other states, and Zone-T. He stated that the effectiveness of the hunt seems to be that multiple openings work. He offered a handout that depicts the Michigan, Illinois, and Pennsylvania season structures. He stated that his biggest concern is that other states are looking to Wisconsin to fix their problems and Wisconsin has done some innovative things, having record hunting in Wisconsin. He pleaded with the Board not to throw out management capabilities to satisfy one year not having record hunting in Wisconsin. Mr. Mytton stated that this was the third highest archery season ever, the highest muzzleloader season, and the fifth highest gun season in Wisconsin history.

Mr. O'Brien - I am in favor of asking the public the 16-day season question, but I am not sure how we do it. I look at it as an opportunity to hunt more than herd control. We limited ourselves to nine days many years ago when our herd couldn't stand more than a nine-day hunt. Now our herd can largely stand more than a nine-day hunt and needs it. I would like to see us get it on there, why do we need to say the 15th, can't we say the Saturday before the Saturday before Thanksgiving?

Mr. Behnke - I am requesting the wildlife staff tell the public that the T-Zone, under my proposed advisory question, is not being eliminated. I am saying that it can take place within the 16-day framework as you need to have a more liberal season in certain units. I am saying that if this does not do the job, additional alternatives will need to be considered and implemented and at that time you can determine what those alternatives would be. It might be different than an October hunt, it might be an October hunt. Leave the door open for additional opportunities for you to implement something that will control the herd.

Ms. Stepp - Maybe it is the part of the question that says it will be discontinued that is confusing. Maybe we need to use another word here.

Steve Oestreicher stated the Conservation Congress is advancing 16 questions to the spring hearing process. The Board members were presented with a copy of these questions (a copy is incorporated in the official Board minutes.) Chairman Oestreicher reviewed the questions and stated where the Conservation Congress stood with these questions.

Chairman Solberg requested the Department staff rewrite the 16-Day Deer Question and return to the Board prior to adjournment. The Board reviewed and discussed the revision of the 16-day gun deer season question incorporating those ideas presented.

Revisions were made (a copy is incorporated in the official Board minutes) by the Department with approval and input from the Board.

Mr. Behnke MOVED, seconded by Mr. Tiefenthaler approval to place wildlife regulation changes on the 2002 spring hearing questionnaire. The motion was carried unanimously by those members present with the revision of the 16-day deer season, as presented. (Mr. Willett was absent).

6.B.4. Authorization for hearing on revision of Chapters NR 299 and NR 300, Wis. Adm. Code, pertaining to permit time limits and creation of Chapters NR 351 and NR 352, Wis. Adm. Code, pertaining to exemptions for nonfederal wetlands and the identification and delineation of nonfederal wetlands.

Scott Hausmann, Wetland Team Leader, presented the authorization for hearing on revision of Chapters NR 299 and NR 300 pertaining to permit time limits and creation of Chapters NR 351 and NR 352 pertaining to exemptions for nonfederal wetlands and the identification and delineation of nonfederal wetlands. Mr. Hausmann reviewed the history of Wisconsin Act 6. He stated that a new code, NR 351, is proposed to identify all federal laws, interpretations of federal law, guidance

documents and Memoranda of Agreement or Understandings between federal agencies relative to the exemptions of certain activities from regulatory requirements of the Clean Water Act for the purpose of making the exemptions under ss. 281.36(4) and (5) consistent with existing federal law. Because Act 6 directs the Department to use the procedures in the 1987 U. S. Army Corps of Engineers wetland delineation manual for nonfederal wetlands, a new code, NR 352, is proposed. This code will identify the federal manual and all applicable federal interpretations and guidance documents. The Department proposes to simplify and consolidate these time limits into the existing NR 300.

Mr. Tiefenthaler MOVED, seconded by Ms. Stepp authorization for hearing on revision of Chapters NR 299 and NR 300, Wis. Adm. Code, pertaining to permit time limits and creation of Chapters NR 351 and NR 352, Wis. Adm. Code, pertaining to exemptions for nonfederal wetlands and the identification and delineation of nonfederal wetlands. The motion was carried unanimously by those members. (Mr. Willett was absent).

6.B.5. Authorization for hearing on revision of Chapters NR 10, NR 15, NR 16, and NR 17, Wis. Adm. Code, pertaining to wildlife management housekeeping.

Tim Andryk, Bureau of Legal Services, presented the authorization for hearing on revision of Chapters NR 10, NR 15, NR 16, and NR 17, pertaining to wildlife management housekeeping. The Department proposes annual housekeeping containing minor non-controversial corrections/changes updating rules to clarify.

Mr. Poulson - When it comes to bear hunting it appears that this species seems to be growing fast. Do some of these things that we pass have a way or means to hunt them or do something with them because they are causing damage? Mr. Andryk - We have been adjusting the harvest objectives and quotas for bear in zones and issue more permits every year. We continue to do that. The bear population has been growing and we have been trying to issue more permits to reduce that growth. Mr. Tiefenthaler - Do we know how many bear we have in the state right now? Mr. Andryk - A little more than 3,000.

Mr. Poulson MOVED, seconded by Mr. O'Brien authorization for hearing on revision of Chapters NR 10, NR 15, NR 16, and NR 17, Wis. Adm. Code, pertaining to wildlife management housekeeping. The motion was carried unanimously by those members. (Mr. Willett was absent).

6.B.6. Approval of feasibility study and environmental impact statement for the proposed Lower Wolf River Bottomlands Natural Resource Area.

Curt Wilson, Regional Land Leader, presented the introduction of the approval of the feasibility study and environmental impact statement for the proposed Lower Wolf River Bottomlands Natural Resource Area. He stated this project has been strongly supported by several folks in the Shawano area. Ms. Mrotek has been working with a guidance team, a core team, and an expanded team. Mr. Wilson stated that the Lower Wolf River Bottomlands protects functional ecosystems in keeping common species common, maintains accessibility and usability of use of public lands and waters, insure abundant recreational opportunities, creating a network of corridors with the different wildlife properties that it connects with, and protecting the water resources. Mr. Wilson introduced Ms. Jill Mrotek, the Chief Planner of the Lower Wolf River Bottomlands Natural Resources Area.

Jill Mrotek, Northeast Region Property Planner, presented the feasibility study and environmental impact statement for the proposed Lower Wolf River Bottomlands Natural Resource Area. This would establish the new project boundary of 214,000 acres and a land acquisition goal of 45,000 acres. This proposed additional acreage goal is in addition to what has previously been approved, there are 14 existing Department properties (Ms. Mrotek pointed out these properties on a map she provided). Those properties combined have an acquisition goal of 34,000 acres. Ms. Mrotek pointed out the new proposed boundary on the map provided and the areas for the 45,000 acres. It is taking the existing properties and the new project boundary combining those ideas together so that through a planning process the Department will be able to work together to achieve common goals. Ms. Mrotek reviewed the history of the planning process. When the high level of public support became apparent, focus was then placed on completing a feasibility study and then proceeding with a master plan. She reviewed the modified process with the Board, the focus of the proposed project and where the public interest and support lies. Ms. Mrotek summarized that the Lower Wolf River Bottomlands Natural Resources Area should be established based on the need for resource protection of this area, the opportunities that are present to pursue those cooperative projects with others, the potential that exists to offer expanded educational and recreational opportunities for the future, and because of the demonstrated strong public support for the concepts that are proposed.

Discussion pursued regarding partnerships, clarification of the motion to approve the feasibility study, and the establishment of the Lower Wolf River Bottomlands.

Citizen Participation on this issue included:

Jim Raber, Suamico, representing himself, spoke in support of the proposed Lower Wolf River Bottomlands Natural Resource Area. Mr. Raber stated that he supports this study because it is an area of bountiful beauty, of natural habitat, relatively unspoiled. It is within a one-half drive for approximately three-quarters of a million people and it is still there and needing protection now more than before. He stated it encompasses the breeding grounds for the Winnebago system walleye population and the largest lake sturgeon population in the world. This is an opportunity to preserve this great resource, to protect it with local governments, with other groups working with as a conservation agency. Mr. Raber praised the staff involved and the teamwork used in this process.

Ozzie Radke, New London, representing himself spoke in support of the proposed Lower Wolf River Bottomlands Natural Resource Area. Mr. Radke stated that he is in the real estate business and has seen what has happened to land in this area and how fast it is changing. He supports this study because the parcels of land in this area are getting smaller every year and the future opportunity won't be here to preserve this area. Mr. Radtke urged the Board to institute this study. Most importantly, the number of people now looking for hunting land can't afford it anymore and this will provide recreational land, not only for hunting but for all people, and it will improve tourism from people out of state. The sensitivity of this area is dramatic, being one of the best spawning grounds in the state and he stated that if we could purchase a good portion of this property we can maintain it.

Robert Hoffman, New London, representing himself, did not show because of illness. Mr. Mark Beilfuss, Conservation Warden, spoke for Mr. Hoffman. Mr. Beilfuss read a letter from Mr. Hoffman addressed to Linda Jahns of the Natural Resources Board supporting the proposed Lower Wolf River Bottomlands Natural Resource Area. Mr. Hoffman's letter stated that " . . . he supports this plan whole heartedly and it is the right thing to do. Having lived in New London near the Wolf River my entire life, I have a great love and respect for it. I have traveled all over Wisconsin from the Horicon Marsh to the Turtle Flambeau Flowage and I rate the Wolf River Bottomlands with its never ending backwater and spring feed ponds, the most beautiful and most valuable in our state. It must be protected now or it will be lost forever for our children and our grandchildren. Also, lost will be our filtration system for good drinking water. . . . I have also planted several thousand of trees on my land next to the marsh. I have been to all the meetings held by Ms. Jill Mrotek in setting up the Wolf River Plan. Having worked in management my entire life I spent a lot of time at the meetings and this DNR team showed more integrity and common sense than any committee that I ever worked If the DNR has a hall of fame this group deserves to be in it and have their names on the wall. The Wolf River Plan is great and I support it 100 percent". Signed Robert Hoffman.

Todd Close, New London, representing Walleyes for Tomorrow, spoke in support of the proposed Lower Wolf River Bottomlands Natural Resource Area. Mr. Close presented the Board with a copy of his presentation, a copy of a news article from the Waupaca newspaper by Roger Pitt, and a map of a potential accessible fishing-viewing scenic view trail. He stated that he was a concerned citizen, a property owner, chairman of the New London Chapter of Walleyes for Tomorrow, and also a project manager for Walleyes for Tomorrow. He stated that he worked in and on this Lower Wolf River Lands Management and Feasibility Plan from the beginning. Most of the plan he is in favor of, but some of it should shift its focus on other management points. Mr. Close stated that the following points he did not agree with: 1) With more access comes more use, which could be detrimental to these areas. 2) Need to change the focus to enhancement and improvement of those habitats, like on the Walleye for Tomorrow projects. 3) Private property goes hand in hand with public property, private land actually regulates use and that is what is protecting some of these areas already. 4) Need to focus attention to working with private landowners and organizations to protect, preserve, enhance, and improve their special habitat within this corridor. He further stated that he would match funds with Walleyes for Tomorrow money, picking out a project, do some enhancement and improvement, submitting a form using County Conservation funds to match their funds.

Chairman Solberg - Stewardship funds can only be used for the purchase of property by statute. I understand your plan in giving some of that money from other sources is probably the only way to make something like these projects work. Mr. Close responded that it is great that we can use other funds that we can match to get these projects done.

Ms. Mrotek - I need to describe what a feasibility study does. It establishes a new project and acquisition authority. What a master plan does, which is where we want to go next, is looking at how we manage, use, develop properties, and look at what kinds of proposals people have out there. Mr. Close is also talking about those partnerships to do land management. Some of these will come up when we do the master planning.

Mr. Behnke - I have followed this from the beginning. There was support for it, there was also skepticism, there were people who wondered, and I learned in talking with Curt Wilson and Jill Mrotek that we plan to cover all the basis. We plan to meet with, Ms. Mrotek stated that in her presentation, all the various groups they met with. They made a point to see every town

chairman. They have done a most outstanding job of setting this project up of any that I have ever seen. I want to make sure they get full credit for that because to me, I had one person call me in opposition. I suggested this person come to the Board Meeting and tell the entire Board why he was opposed to this because this is the only person that I heard from in opposition. I don't think he is here today. I can't believe the tremendous work this staff has done. I think Ms. Mrotek deserves a lot of credit for this along with other staff.

Mr. O'Brien MOVED, seconded by Mr. Tiefenthaler approval of the feasibility study and environmental impact statement for the proposed Lower Wolf River Bottomlands Natural Resource Area. The motion was carried unanimously by those members present. (Mr. Willett was absent).

Richard Steffes, Real Estate Director, Bureau of Facilities and Lands, presented the following land items:

6.B.7. Statewide Public Access Area land acquisition and partial donation - Waukesha County.

Mr. Steffes stated that the Department has obtained an option to purchase two acres from Gregory Jackson for \$645,000 for the statewide public access program in Waukesha County. This is land on Moose Lake, which is about a 75-acre lake with a traditional boat landing. Waukesha County has sent us a letter stating they will donate \$150,000 toward the purchase price and we have other smaller gifts from sportsman clubs and such to help purchase this property. We also have a gift of \$33,602.17 from the Estate of Russell Erwin Manz of Milwaukee in item 6.B.9, which is not tied to this donate, given to the Department without any strings attached and it is the Department's recommendation that we use this donation in this transaction. The other gifts are tied to donations for this land acquisition. Mr. Steffes introduced Tom Blotz.

Tom Blotz, Government Outreach Team Supervisor, stated they have been working with the property owner and his wishes to sell this partial to the Department of Natural Resources as a public access site. He stated that Mr. Jackson has operated this access for a number of years and it is now currently the only public access to Moose Lake. He stated they signed an option with Mr. Jackson in August. In September they had a meeting with the township, where this property is located, and also with the Lake Property Owners Association to discuss and inform them of the Counties intention to acquire this site and turn it into a public access. Mr. Blotz reviewed the town meeting and public comments. He stated they also had meetings with Senator Huelsman and Representative Vrakas on site and they were very impressed with the proposal to acquire this and turn it into a public access site. There were also a number of comments and contacts with a number of interested partner groups that were supportive of their actions on Moose Lake in acquiring this as a public access site. Basically, what they are looking at is with a 74-acre lake with a minimum and maximum of public access of five car trailer units. This site lends itself to being a very level site near the lake, looking at providing the opportunity for fishing for disabled anglers, providing a fishing pier which will give them access. It would be a five-car trailer unit for boat launching facilities, with one for disabled individuals. They are also looking at a fishing pier that would accommodate another five car units just for shore fishing opportunities. They are continuing to look at other opportunities on this lake and try and come up with other partnerships.

Discussion pursued regarding the limited car trailer units space available and the cost for such a small area.

Citizen Participation on this issue included:

Andrew Voelzke, Lomira, representing Taxpayers United for Lake Access and the Wisconsin State AFL-CIO, Conservation Committee, spoke in support of Statewide Public Access Area land acquisition and partial donation in Waukesha County. Mr. Voelzke stated that he felt this is a great opportunity and any loss of public access would be upsetting. He stated there are so many people and so few waters to fish. He further stated that he thought that the public would be denied access to this lake if this access was not purchased.

Warren Burkat, Green Bay, as Chairperson representing Disability Advisory Council, spoke in support of the Statewide Public Access Area land acquisition and partial donation in Waukesha County. Mr. Burkat stated that he favored the proposal because of the very few flat access sites for people with disabilities in Southeast Wisconsin rather than have to travel long distances to get to other areas. He stated that this is a desirable, fairly level, spot allowing individuals with disabilities a great opportunity.

Don Camplin, Dousman, representing Waukesha County Conservation Alliance, spoke in support of the Statewide Public Access Area land acquisition and partial donation in Waukesha County. Mr. Camplin stated that the Alliance has 17 clubs with two delegates from each club. Some of the clubs are involved with fishing with the kids in Milwaukee and Waukesha. He stated they are all certified trainers by the State of Wisconsin through the DNR where they present seminars and have the children present. He stated that one thing they don't have in Waukesha County is a place to take the kids ice fishing. What they are teaching the children are to use and preserve these wetlands for the public as much as the people that live on the

lakes. Mr. Camplin also stated they need more wheel chair access to lakes and easy access to rest areas for these individuals. He stated the Waukesha County Conservation Alliance endorses this purchase and has pledged \$7,000 to this project. Pewaukee Sportsman Club has already pledged \$1,000 toward this project and there are another 17 clubs that would like to partner but are going to wait and see if the State of Wisconsin is going to buy this land first. He further stated that when it comes down to the cost of buying this property it is not only the money involved it is the idea of getting the children off the streets, away from crime, teaching them the ecology of the waters, so they can enjoy it the way others enjoy it. He stated there might not be another opportunity to purchase this property.

Ted Lind, Milwaukee, as President representing the Council Sports Fishing Organization, spoke in support of the Statewide Public Access Area land acquisition and partial donation in Waukesha County. He stated that over the years he has been involved with the Access Policy Committee and many access site proposals. The Moose Lake access would be unique for the fact that it would provide shoreline fishing for people that don't have boats and he stated that a fishing pier would also be provided. He stated there is limited fishing opportunities for people that don't own a boat. In the eight-county Southeast District there are 130,778 registered boats and only 1639 parking places for the public. In the same Southeast District there were 251,123 fishing licenses sold. Mr. Lind stated the chance to obtain access to Moose Lake for the public should be utilized. He stated that if this opportunity would be lost, there might not be another chance. He felt there would most likely be no other future access to this lake. Mr. Lind urged the Board not to pass up this opportunity.

Jim Kavermeier, Waukesha, representing Waukesha County Department of Parks and Land Use, spoke in support of the Statewide Public Access Area land acquisition and partial donation in Waukesha County. Mr. Kavermeier stated that Waukesha Parks System is a natural resource park system which demonstrates stewardship and in their development providing recreation and educational opportunities. He stated that the county encourages cooperation and partnerships in accomplishments of opportunities. In a county like theirs, that is rapidly urbanizing, County Executive Finley has requested and the County Board of Supervisors have approved the inclusion of \$1,000,000 for acquisition of park lands. Part of that program allows for partnerships. He stated they were in the process of partner shipping for the acquisition of lands that are consistent with their vision. Mr. Kavermeier stated that Waukesha County staff is willing to propose an ordinance to the County Board that would provide a partnership with the state in the amount of \$150,000.00 to purchase this land. They would draft the ordinance after there would be an approval of the acquisition by the DNR Board. He stated that the cost is high and that land in Waukesha County is high. He stated this is valuable land and it is important to the community to have access to these lakes. He stated that as far as the potential of the County Board approving the \$150,000, that since 1999 when this program was initiated, the county has acquired approximately 1100 acres. The Board has supported and endorsed everyone of them and almost exclusively with a unanimous vote. He stated that he felt the potential is very high for this to be approved by the County Board for this \$150,000.

Gus Sorenson, Sturtevant, representing Wisconsin Paralyzed Veterans, spoke in support of the Statewide Public Access Area land acquisition and partial donation in Waukesha County. Mr. Sorenson presented the Board with a signed petition on the proposed accessible fishing pier at Moose Lake (Waukesha County). He stated that developing a public access site on Moose Lake in Waukesha County is an excellent idea. He stated the proposed project includes the installation of a new accessible boarding dock, replacement of the existing boat ramp, replacement of the existing fishing pier to make it accessible to persons with disabilities, and clearing and grading of the site for a small parking lot. He further stated that the Waukesha County Conservation Alliance is 100 percent behind this project and has pledged \$7,000.00 toward the public fishing pier. He further stated, the Wisconsin Council of Sport Fishing Organizations supports this project. Funds from the Federal Aid in Sport Fish Restoration Program may be utilized in this project. Mr. Sorenson urged the Board to pass this acquisition providing accessibility for people with disabilities.

Jim Rutledge, Monroe, representing DNR Disability Advisory Council and Wisconsin Chapter of Paralyzed Veterans of America, spoke in support of the Statewide Public Access Area land acquisition and partial donation in Waukesha County. Mr. Rutledge stated that he especially wished to address the accessible fishing pier and accessible boat launch. He stated that up until the spring of 1994 the disabled angler in Wisconsin had a free lifetime fishing license. After the spring of 1994 this became a reduced fee fishing license. The DNR Disability Advisory Council supported this move realizing this would increase revenues being brought in and it would also increase the dollars for the Federal Government. The disabled angler really lacks the same opportunities as those of the able bodied angler. Access sites, such as Moose Lake, would provide a quality fishing opportunity. There are opportunities out there but there should be more. He thanked the DNR for their commitment of seeking more accessible fishing opportunities for the disabled.

Discussion pursued regarding availability of parking, opportunity to fish if parking is full, the turn over of parking, and access of fishing from the pier.

Secretary Bazzell responded, yes the price of land is very expensive in Southeast Wisconsin. He stated that the Department put together a major initiative, going back several years, to focus specifically on opportunities to provide access to lakes in Southeast Wisconsin recognizing there are not enough opportunities. The high price of land will always force the Department to look for partners, look for ways to offset costs, this is always an additional burden that is put on the staff in this part of the state. Secretary Bazzell stated this is a good example of work the staff has done and the Department has asked them to do. He further stated that five parking stalls are not a lot, however, what one might look at is the document that Mr. Ted Lind shared with the Board. This is not a typical body of water in Southeast Wisconsin. This is the kind of opportunity that presents itself on occasion. He stated that he didn't know if there would be other opportunities waiting and you need to take the opportunities when they present themselves. In a few months the Land Legacy Study will be presented to the Board that focuses on a question that the Board will ask and that is where do we need to provide public opportunities to protect lands, provide recreational opportunities. Secretary Bazzell stated that he felt one of the things the Board will see in this study the question of, is there appropriate focus in Southeast Wisconsin providing these opportunities. He further stated that part of the mission of the Department of Natural Resources is not just to provide access to Southeast Wisconsin, but to provide opportunities for all of our citizens. There is a special opportunity here, to provide to a population that is drastically under served by this Department. He stated that he didn't know if they would find other lake opportunities that would provide the kind of access for people with disabilities that the Department could provide in this situation. This is something the Board needs to also consider. One fourth of the states population is concentrated in this part of the state, there are so few opportunities there. Should we be looking at the largest of the largest lakes in Southeast Wisconsin? Again, that is not typical, the question becomes, what is our main goal here? Are we looking to provide a variety of opportunities looking to serve a variety of populations, if the answer is yes, then we need to begin to look at more than simply the largest of the largest lakes in Southeast Wisconsin. If the answer is no, Secretary Bazzell stated that the Department's job is pretty much done in this area, and he stated that he felt it isn't done.

Mr. Behnke MOVED, seconded by Mr. Poulson, that the Board approve the revision of the Stewardship 2000 funding allocations, approve the purchase of 2.0 acres from Gregory Jackson for \$645,000 for the Statewide Public Access in Waukesha County, and that a certificate of appreciation be sent to the Grantor and the organizations making cash donations to the Department in support of this purchase, and that an expression of appreciation be made part of the official records of the Natural Resources Board, contingent of the \$150,000 approval from the Waukesha County Board, as presented. The motion was carried unanimously by those members present. (Mr. Willett was absent).

Chairman Solberg - a decision was made to go into Executive Session regarding the land acquisition item that was previously canceled. Chairman Solberg requested a motion to go into Executive Session during lunch break.

Mr. O'Brien MOVED to go into Executive Session, seconded by Ms. Stepp. The motion was carried unanimously by those members present. (Mr. Willett was absent).

Returning back to Full Board Chairman Solberg announced there was no action taken during the Executive Session.

6.B.8. Green Bay Shores Wildlife Area and Gift Lands Program land donation - Brown and Marinette Counties.

Mr. Tiefenthaler MOVED, seconded by Mr. O'Brien, that the Board accept the donation of funds for purchase of 278.1 acres along the Peshtigo River in the Town of Peshtigo, for the Gift Lands Project in Marinette County, and 100.96 acres for the Green Bay West Shores Wildlife Area in Brown and Marinette Counties, and that a certificate of appreciation be sent to the donors, and that an expression of appreciation be made part of the official records of the Natural Resources Board, as presented. The motion was carried unanimously by those members present. (Mr. Willett was absent).

6.B.9. Lower Wisconsin State Riverway land acquisition - Dane County.

Mr. Poulson MOVED, seconded by Mr. O'Brien, that the Board approve the purchase of 160 acres from Zerwick Survivors Trust for the Lower Wisconsin State Riverway for \$367,000 in Dane County, as presented. The motion was carried unanimously by those members present. (Mr. Willett was absent).

- 6.B.10. DONATION - \$33,602.17 from the Estate of Russell Erwin Manz of Milwaukee for the purpose of future land acquisitions in Wisconsin.

Mr. Behnke MOVED, seconded by Mr. Tiefenthaler the donation of \$33,602.17 from the Estate of Russell Erwin Manz of Milwaukee for the purpose of future land acquisitions in Wisconsin, that a certificate of appreciation be sent to the family of the donor and that an expression of appreciation be made a part of the official records of the Natural Resources Board, as presented. The motion was carried unanimously by those members present. (Mr. Willett was absent)

7. Department Secretary's Matters.

- 7.A. Memorial Resolution for Dale Drewery.

Secretary Bazzell reported the untimely passing of Dale Drewery on November 25, 2001. At the time of his death, Mr. Drewery was the Chief of the Grover-Porterfield Fire Department and was a valuable friend and partner of the Department of Natural Resources Forestry Program.

Mr. Behnke MOVED, seconded by Mr. O'Brien, approval of the resolution. The motion was carried unanimously by those members present. (Mr. Willett was absent).

- 7.B. Supplement to the Future of Camping Study

Secretary Bazzell presented the Board with a copy of the Supplement to the Future of Camping Study. He stated that Sue Black, Director of Parks and Recreation, would provide a presentation on the study at the February Natural Resources Board Meeting and requested feed back from the Board.

- 4.A. Election of Officers.

Mr. Behnke MOVED, seconded by Ms. Stepp, that the current slate of officers be reinstated for the ensuing year, that the rule be suspended and that an unanimous ballot be passed. The motion was carried unanimously by those members present. (Mr. Willett was absent).

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The Board Meeting was adjourned at 1:20 p.m.